

Town Board Minutes

**Meeting
No. 18**

Special Meeting

June 26, 1995

MEETINGS TO DATE 18
NO. OF REGULARS 12
NO. OF SPECIALS 6

LANCASTER, NEW YORK
JUNE 26, 1995

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 26th day of June 1995 at 9:30 A.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
JOSEPH F. REINA, TOWN ATTORNEY

PURPOSE OF MEETING:

This meeting was called by the Supervisor of the Town of Lancaster, pursuant to Section 62 of the Town Law of the State of New York, for the purpose of rescheduling the public hearings on Tops Markets DEIS review and the public hearing on the Tops Markets rezone.

The Town Clerk presented a "Waiver of Statutory Notice" of this meeting signed by all of the members of the Town Board.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER VAN NORTWICK,
TO WIT:

WHEREAS, the Town Board, by resolution dated June 19, 1995, directed that a Public Hearing on the Draft Environmental Impact Statement (DEIS) for the Tops Food Distribution Facility located on the south side of Genesee Street, at Gunnville Road, in the Town of Lancaster, be held at the Aurora Middle School, 148 Aurora Street, Lancaster, New York on the 11th day of July, 1995 at 7:00 o'clock P.M., Local Time and at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time, and

WHEREAS, the Town Board was subsequently advised that Aurora Middle School was not available on July 11, 1995, and

WHEREAS, the Town Board has been advised that the Town Hall is available on July 11, 1995;

NOW, THEREFORE, BE IT

RESOLVED, that the resolution dated June 19, 1995, directing that a Public Hearing be held on the Draft Environmental Impact Statement (DEIS) for the Tops Food Distribution Facility located on the south side of Genesee Street at Gunnville Road be and is hereby rescinded, and the following resolution is hereby adopted:

WHEREAS, the Town of Lancaster has received a Draft Environmental Impact Statement (DEIS) for the Tops Food Distribution Facility located on the south side of Genesee Street at Gunnville Road in said Town, and

WHEREAS, Clough, Harbour & Associates, Engineers, has reviewed the DEIS and has determined that all of the necessary comments and references specifically related to this project have been incorporated therein, and

WHEREAS, the Town Board has determined it is in the public interest to hold a public hearing for the purpose of obtaining public comment regarding said Impact Statement;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby accepts the Draft Environmental Impact Statement submitted for the Tops Food Distribution Facility and deems it acceptable for review by the public.

2. That a public hearing will be held for the purpose of obtaining public comment regarding the Draft Environmental Impact Statement for the Tops Food Distribution Facility, on the 11th day of July 1995, at 7:00 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and on the 17th day of July 1995, at 7:00 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and that a notice of the time and place of such Hearings be published on or before June 26, 1995, in the Buffalo News, being a local newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June ²⁶~~19~~, 1995

File: R.Accept.DEIS.Tops.

LEGAL NOTICE
TOWN OF LANCASTER

STATE ENVIRONMENTAL QUALITY REVIEW
NOTICE OF COMPLETION
OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
NOTICE OF PUBLIC HEARING

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement has been completed and accepted by the Town of Lancaster, New York Town Board, as lead agency, for the proposed action described below. Comments on the DEIS are requested and will be accepted by the contact person until July 27, 1995. The Town Board will hold a Public Hearing at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 11th day of July, 1995, at 7:00 o'clock P.M., Local Time, and a Public Hearing at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time, for the purpose of obtaining public comment regarding the Draft EIS on this project.

Name of Action: Proposed Tops Distribution Center, 136.66 +/- acres, 5867 Genesee Street, Town of Lancaster, Erie County, New York

Petitioner: Tops Markets, Inc., 6363 Main Street, Williamsville, New York 14221

SEQR Status: Type 1 Action

Description of Action: The proposed action involves the development of a 136.66 +/- acre parcel of land for a food distribution facility for a local grocery chain. The action will involve the rezoning of the parcel from RCO - Residential, Commercial, Office and AR - Agricultural Residential to LI - Light Industrial and the construction of an 867,713 square foot building with ancillary buildings, parking, utilities, a storm water management system and landscaping. A private sanitary sewer will extend via a pump station and force main to a point on Pavement Road, approximately 0.65 ± miles southeast of the development site. As a result of this action, several road improvements will be required such as a new traffic signal at the intersection of Gunville Road and Genesee Street and a turning lane for trucks along the road frontage on Genesee Street. The action will also include the demolition of several existing structures along the Genesee Street road frontage.

Location: Approximately 136.66 +/- acres located on the south side of Genesee Street at Gunville Road in the Town of Lancaster, Erie County, New York and having a street address of 5867 Genesee Street in the Town of Lancaster, New York.

Potential Environmental Impacts: The document analyzes the impacts of the proposed Tops Distribution Center on the following: Land use and zoning; geology and soils; terrestrial and aquatic ecology; hydrology; community services; agricultural land resources; geology and topography; hydrology and water resources; air resources and noise levels; cultural resources; solid waste; community facilities, services and utilities; energy resources; transportation.

A copy of the DRAFT EIS may be reviewed at:

Contact Person: Joseph F. Reina, Lancaster Town Attorney
Address: 21 Central Avenue, Lancaster, New York 14086
Telephone No.: (716)684-3342

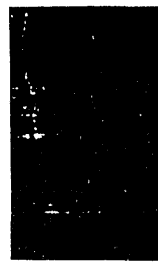


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The following
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A COPY OF THIS NOTICE AND/OR DEIS WERE SENT TO:

NYS Office of Parks, Recreation and Historic Preservation
NYS Department of Transportation
NYS Department of Environmental Conservation
Commissioner, NYS Department of Environmental Conservation
NYS Department of Health
Erie County Department of Environment and Planning
Erie County IDA
Erie County Water Authority
Erie County Department of Public Works, Division of Highways
Town of Lancaster Council Members
Town of Lancaster Supervisor
Town of Lancaster Attorney's Office
Town of Lancaster Town Clerk
Town of Lancaster Planning Board
Town of Lancaster Town Engineer
Town of Lancaster Building Inspector

Full opportunity to be heard will be given to any and all citizens
and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

June 26, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER KWAK
TO WIT:

WHEREAS, the Town Board, by resolution dated June 19, 1995, directed that a public hearing on Tops' Markets, Inc.; 6363 Main Street, Williamsville, New York, petition for the rezone of a parcel of land located on the south side of Genesee Street at Gunnville Road, be held at the Aurora Middle School, 148 Aurora Street, Lancaster, New York, on the 11th day of July, 1995, at 7:00 o'clock P.M., Local Time, and at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time,, and

WHEREAS, the Town Board was subsequently advised that Aurora Middle School was not available on July 11, 1995, and

WHEREAS, the Town Board has been advised that the Town Hall is available on July 11, 1995;

NOW, THEREFORE, BE IT

RESOLVED, that the resolution dated June 19, 1995, directing that a public hearing be held on Tops, Markets, Inc. 6363 Main Street, Williamsville, New York, petition for the rezone of a parcel of land located on the south side of Genesee Street at Gunnville Road be and is hereby rescinded, and the following resolution is hereby adopted:

WHEREAS, TOPS MARKETS, INC. 6363 Main Street, Williamsville, New York 14221, the proposed developer of a parcel of land located on the south side of Genesee Street at Gunnville Road, in the Town of Lancaster, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of said property from an RCO-Residential Commercial Office District and AR-Agricultural Residential District to an LI-Light Industrial District, and

WHEREAS, the petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a Public Hearing on the proposed will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 11th day of July, 1995, at 7:00 o'clock P.M., Local Time, and at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, the official newspaper of the Town, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board; and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 26, 1995

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 26th day of June, 1995, the said Town Board will hold a Public Hearing at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 11th day of July, 1995, at 7:00 o'clock P.M., Local Time, and a Public Hearing at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from an RCO-Residential Commercial Office District and AR-Agricultural Residential District to an LI-Light Industrial District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster County of Erie, State of New York, being part of Lots 9 and 11, Section 6, Township 11, Range 6 of the Holland Land Company's Survey. More particularly described as follows:

BEGINNING at the northwest corner of Lot 9, being at a point in the centerline of Genesee Street, said centerline being the north line of Lot 9;

THENCE, S-86°-46'-41"-E along the north line of Lot 9 a distance of 1,202.24 feet;

THENCE, S-01°-13'-46"-W and along the west line of lands conveyed to Iroquois Gas Corporation by Liber 7532 of Deeds at Page 85 a distance of 3,923.70 feet to the south line of Lot 9, Section 6;

THENCE, N-85°-49'-03"-W along the south line of Lot 9, Section 6 a distance of 1,192.77 feet to the southwest corner of Lot 9;

THENCE, continuing N-85°-49'-03"-W along the south line of Lot 11, Section 6 a distance of 326.25 feet;

THENCE, N-01°-04'-41"-E a distance of 3,898.68 feet to the north line of Lot 11, also being the centerline of Genesee Street;

THENCE, S-86°-45'-41"-E along the north line of Lot 11 a distance of 326.00 feet to the point of beginning

Containing 136.66 acres of land more or less

Full opportunity to be heard will be given to any all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: Robert P. Thill
Town Clerk

June 26, 1995

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:35 a.m.

Signed Robert P. Thill

Robert P. Thill, Town Clerk